

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

NUCURRENT, INC.,

Plaintiff,

v.

**SAMSUNG ELECTRONICS CO., LTD.,
and SAMSUNG ELECTRONICS
AMERICA, INC.,**

Defendants.

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No. 6:18-cv-00051-JRG-KNM

JURY TRIAL DEMANDED

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT
PURSUANT TO PATENT RULE 4-3**

Pursuant to Patent Local Rule 4-3, Plaintiff NuCurrent, Inc. (“NuCurrent”) and Defendants Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc., (“Defendants” or “Samsung”) hereby file this Joint Claim Construction and Prehearing Statement in accordance with the Court’s Docket Control Order entered September 28, 2018 [Dkt.76]. The claim terms proposed for construction below are found within U.S. Patent Nos. 8,680,960 (“the ’960 Patent”), 9,300,046 (“the ’046 Patent”), 8,698,591 (“the ’591 Patent”), 8,710,948 (“the ’948 Patent”), and 9,941,729 (“the ’729 Patent”) (collectively, “the Asserted Patents”).

I. TERMS ON WHICH THE PARTIES AGREE (P.R. 4-3(a))

The Parties agree on the following constructions:

Term	Agreed Construction
“adjusting an electrical circuit operating frequency to at least about 3 kHz” (’591 Patent, Claims 1, 35); (’948 Patent, Claim 29)	“adjusting an electrical circuit operating frequency of the first electrical circuit to at least about 3 kHz”

II. DISPUTED CLAIM TERMS AND PROPOSED CONSTRUCTIONS (P.R. 4-3(b))

Exhibits A and B, attached hereto, identify the disputed claim terms.¹ Exhibit A contains NuCurrent's proposed construction for each disputed claim term and intrinsic and other evidence in support. Exhibit B contains Samsung's proposed constructions for each disputed claim term and intrinsic and other evidence in support.

III. ANTICIPATED LENGTH OF TIME FOR HEARING (P.R. 4-3(c))

The Court has scheduled the claim construction hearing for March 14, 2019. The parties estimate that they will require about three hours with the time being split equally between the parties.

IV. IDENTITY OF WITNESSES (P.R. 4-3(d))

NuCurrent intends to rely on the sworn declaration of Dr. Daniel Engels served on December 20, 2018 regarding each of the disputed terms as outlined in NuCurrent's P.R. 4-2 and 4-3 disclosures. Such expert evidence may address the relevant field of art, the level of ordinary skill in the art, the definiteness of certain terms, and the meaning that certain claim terms would have to a person of ordinary skill in the art based on the asserted patents' disclosure and associated prosecution history, including any extrinsic evidence offered by Plaintiff or Defendants. Dr. Engels' testimony may also relate to the technology of the Asserted Patents, including any topics Defendants' experts (if any) may opine upon, such as near field communications, RFID, wireless power and various devices, methods, and systems using such features. Dr. Engels may also rebut any testimony or allegations concerning prior art or other documents identified by any party regarding the general field or background of the inventions produced by the parties and/or any third parties in the case, including but not limited to the

¹ NuCurrent no longer asserts infringement of Claim 22 of the '591 patent.

documents identified in the parties' P.R. 4-2 and 4-3 disclosures. NuCurrent may also offer Dr. Engels for any tutorial the Court may wish to conduct. Dr. Engels may also rebut any extrinsic evidence offered by Defendants, including any expert opinions. And NuCurrent reserves the right to serve a supplemental or rebuttal claim construction declaration of Dr. Engels to respond to any arguments raised by Samsung.

Samsung has not identified any expert witnesses with respect to claim construction. However, Samsung reserves the right to rely on expert testimony to (i) rebut any statements made by NuCurrent's expert in his declaration, including regarding the definiteness of certain terms and (ii) provide additional technical background information to the court in the form of a tutorial.

Neither party plans to call live witnesses during the claim construction hearing. Both parties reserve the right to call witnesses at the claim construction hearing upon reasonable notice to the other party and to the Court.

V. OTHER ISSUES FOR A PREHEARING CONFERENCE (P.R. 4-3(e))

The parties are not aware of any other issues requiring a prehearing conference.

DATED: December 20, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on this 20th day of December, 2018. Local Rule CV-5(a)(3)(A).

/s/ Bradley W. Caldwell
Bradley W. Caldwell